

# **Guidance on the Enhancing Education Through Technology (Ed Tech) Program**



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# Enhancing Education Through Technology (Ed Tech) Program

## Introduction

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On January 8, 2002, President Bush signed into law the No Child Left Behind Act of 2001 (P.L. 107-110). The legislation, which reauthorizes the Elementary and Secondary Education Act of 1965 (ESEA), provides increased flexibility and local control to States and school districts, emphasizes strong accountability for results, offers expanded options for parents of disadvantaged children, and supports teaching methods that have a solid scientific research foundation. (The legislation is available on the U.S. Department of Education's website at <http://www.ed.gov> under the heading "President's and Secretary's Priorities".)

The reauthorized ESEA establishes the Enhancing Education Through Technology (Ed Tech) Program, which consolidates the current Technology Literacy Challenge Fund (TLCF) Program and the Technology Innovative Challenge Grant Program into a single State formula grant program (ESEA Title II, Part D, Subpart 1). The primary goal of the Ed Tech program is to improve student academic achievement through the use of technology in schools. It is also designed to assist every student in crossing the digital divide by ensuring that every student is technologically literate by the end of eighth grade, and to encourage the effective integration of technology with teacher training and curriculum development to establish successful research-based instructional methods.

Under the Ed Tech program, the U.S. Department of Education provides grants to State educational agencies (SEAs) on the basis of their proportionate share of funding under Part A of Title I. States may retain up to 5 percent of their allocations for State-level activities, and must distribute one-half of the remainder by formula to eligible local educational agencies (LEAs) and the other one-half competitively to eligible local entities.

This document provides guidance on the purposes and goals of the Ed Tech program, the State and local application processes and an entity's eligibility for a grant award, the uses of Ed Tech funds, other programmatic requirements, and the relationship of various flexibility provisions to the program. The Department will supplement this document with further guidance as additional issues arise during implementation of the program.

## A. Goals and Purposes of the Program

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### A-1. What are the goals of the Ed Tech program?

The primary goal of the Ed Tech program is to improve student academic achievement through the use of technology in elementary and secondary schools. It is also designed to assist every student – regardless of race, ethnicity, income, geographical location, or disability – in becoming technologically literate by the end of eighth grade, and to encourage the effective integration of technology resources and systems with professional development and curriculum development to promote research-based instructional methods that can be widely replicated.

### A-2. What are the purposes of the program?

The purposes of the Ed Tech program are to –

- Assist States and localities in implementing and supporting a comprehensive system that effectively uses technology in elementary and secondary schools to improve student academic achievement.
- Encourage the establishment or expansion of initiatives (including those involving public-private partnerships) that are designed to increase access to technology, particularly in schools served by “high-need local educational agencies” as defined in F-5.
- Assist States and localities in the acquisition, development, interconnection, implementation, improvement, and maintenance of an effective educational technology infrastructure in a manner that expand access of technology to students (particularly disadvantaged students) and teachers.
- Support initiatives that enable school personnel and administrators to integrate technology effectively into curriculum and instruction that are aligned with State standards, through such means as high-quality professional development programs.
- Enhance ongoing professional development for teachers, principals, and administrators by providing constant access to training and updated research in teaching and learning through electronic means.
- Support the development and use of electronic networks and other innovative methods, such as distance learning, to provide specialized or rigorous courses or curricula to students who would not otherwise have access to such information, particularly to those in geographically isolated regions.

- Support local efforts to use technology to promote parent and family involvement in education and to enhance communication among students, parents, teachers, principals, and administrators.
- Support the rigorous evaluation of programs funded under the Ed Tech Act, particularly regarding the impact of these programs on student academic achievement, and ensure that the results are widely accessible through electronic means.

## **B. Federal Awards to States**

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### **B-1. On what basis does the Department award Ed Tech funds to States?**

The Department awards Ed Tech funds to States by formula. The amount a State receives in a given year is based on the proportion of funds it receives under Part A of Title I for that year, except that no State receives less than one-half of one percent of the funds made available under the Ed Tech program. For purposes of determining allotments, the District of Columbia and Puerto Rico are considered to be States.

### **B-2. Are the outlying areas and the Bureau of Indian Affairs (BIA) eligible to receive Ed Tech funds?**

Yes. The Secretary allocates three-quarters of one percent of the funds made available each year under the program to the Secretary of the Interior for programs for schools operated or funded by the BIA. In addition, the Secretary provides a total of one-half of one percent of the funds to the outlying areas (i.e., the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands). The consolidated grant provisions in 34 C.F.R. Sections 76.125 through 76.137 apply to awards to the outlying areas under this program.

### **B-3. What happens to a State's allotment if it does not apply for Ed Tech funds?**

The Secretary anticipates that all States will participate in the program. However, if an SEA does not apply for an allotment or does not use its entire allotment, those funds will be awarded to other SEAs.

### **B-4. When will a State receive its FY 2002 Ed Tech allotment?**

Three factors affect the timing of the FY 2002 Ed Tech allotments – the period of availability for which the Ed Tech funds are appropriated; the timing of State plan approvals; and the availability of data on final allocations under Part A of Title I.

- *Period of fund availability.* Congress made FY 2002 Ed Tech funds available for distribution by the Department as of the date of enactment of the FY 2002 appropriations legislation. As a result, the Department may award States their Ed Tech allotments as soon as the other award prerequisites (State plan approval and the availability of Title I allocation data) are satisfied. FY 2002 Ed Tech funds will remain available for obligation by a State and its subgrantees until September 30, 2004. The Department anticipates that the Ed Tech program will be “forward-funded” next year, making FY 2003 Ed Tech funds available on July 1, 2003.
- *State plan approval.* As stated in C-2, the Department is in the process of preparing the individual Ed Tech application package as well as the consolidated State application package. An SEA may apply for funding as soon as these documents become available.
- *Title I allocation data.* State allocations for Ed Tech funds are based on current- year allocations under Part A of Title I. The Department anticipates that final FY 2002 Title I allocations will be determined by May of 2002. Once these allocations are final, the Department will be able to calculate Ed Tech allocations immediately.

Thus, unlike awards under other State-administered programs, an SEA may receive its FY 2002 Ed Tech allotment prior to July 1, 2002. An SEA may receive its Ed Tech allotment as soon as its individual Ed Tech application or consolidated State application has been approved *and* the FY 2002 allocations are final.

To accommodate States that may need Ed Tech funding immediately to maintain services as they make the transition from the TLCF program to the Ed Tech program, the Department intends to award each State an initial FY 2002 Ed Tech allocation that is equivalent to five percent of the minimum State allotment for this year. The Department plans to make these initial allocations, which will amount to approximately \$150,000 per State, sometime in February 2002. The Department will provide States the remaining portions of their allotments after their applications have been approved and the FY 2002 allocations are final.

## C. State Application Requirements

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### C-1. What must a State do in order to receive its Ed Tech allocation?

To receive an Ed Tech grant, a State must submit the required application to the Secretary. An SEA may submit a separate application for awards under this program or seek Ed Tech funds as part of its consolidated State application to the Department.

### **C-2. When may an SEA submit its application for Ed Tech funds?**

The Department is in the process of preparing the individual Ed Tech application package as well as the consolidated State application package. As soon as these documents become available, an SEA may apply for Ed Tech funding.

### **C-3. What must a State include in its Ed Tech application?**

An SEA seeking Ed Tech funds through an individual program application must submit a new or updated statewide long-range strategic educational technology plan that considers the educational technology needs of LEAs in the State. The application must contain –

- **Strategies for improving academic achievement** – an outline of the SEA’s long-term strategies for improving student academic achievement, including technology literacy, through the effective use of technology in classrooms throughout the State, including through improving the capacity of teachers to integrate technology effectively into curricula and instruction.
- **Goals** – a description of the SEA’s goals for using advanced technology to improve student academic achievement, aligned with challenging State academic content and student academic achievement standards.
- **Steps to increase accessibility** – a description of the steps the SEA will take to ensure increased access to technology for all students and teachers, particularly those in high-need LEAs (see F-5).
- **Accountability measures** – a description of the process and accountability measures that the SEA will use to evaluate the extent to which activities funded under the program are effective in integrating technology into curricula and instruction.
- **Innovative delivery strategies** – a description of how the SEA will encourage the development and use of innovative strategies for the delivery of specialized or rigorous courses and curricula through the use of technology, including distance learning technologies, particularly in locations that would not otherwise have access to such courses or curricula due to geographical distances or insufficient resources.
- **Non-supplant assurance** – an assurance that financial resources provided under the Ed Tech program will supplement, and not supplant, State and local funds.
- **Professional and curricular development** – a description of how the plan incorporates teacher education, professional development, and curriculum development, and how the SEA will work to ensure that teachers and principals are technologically literate.

- **Technical assistance** – a description of how the SEA will provide technical assistance to applicants seeking Ed Tech funds, especially to those applicants serving the highest numbers or percentages of children in poverty or with the greatest need for technical assistance; and a description of the SEA’s capacity to provide technical assistance.
- **Technology resources and systems** – a description of technology resources and systems that the State will provide for the purpose of establishing best practices that can be widely implemented by SEAs and LEAs.
- **Strategies for financing technology** – a description of the State’s long-term strategies for financing technology to ensure that all students, teachers, and classrooms will have access to technology.
- **Strategies for parental involvement** – a description of the State’s strategies for using technology to increase parental involvement.
- **Competitive grant description** – a description of how the SEA will ensure that Ed Tech competitive grants are of sufficient size and duration, and that the projects funded by the grants are of sufficient scope and quality, to carry out the purposes of the program effectively.
- **Integration of technology with curricula and instruction** – a description of how the SEA will ensure ongoing integration of technology into school curricula and instructional strategies in all schools, so that technology will be fully integrated into curricula and instruction by December 31, 2006.
- **Incentives** – a description of how LEAs in the State will provide incentives to teachers who are technologically literate and teaching in rural or urban areas to remain in those areas.
- **Support** – a description of how public and private entities will participate in the implementation and support of the plan.

States seeking Ed Tech funds through a consolidated application will not submit all of the information required for individual Ed Tech applications, but will submit only “descriptions, information, assurances, . . . and other materials that are absolutely necessary for the consideration of the consolidated State plan or consolidated State application” (ESEA Section 9302(b)(3)). On March 6, 2002, the Department published in the Federal Register for public comment a notice of proposed requirements for the consolidated State application. This document is available on the Department’s website at <http://www.ed.gov/legislation/FedRegister/> under the heading “Proposed Regulations, Priorities, and Other Rules”. The final consolidated State application requirements will be published later this spring.



Applying for funds through the consolidated State application process does *not* relieve a State of its obligation to have a State technology plan that meets all of the statutory requirements. While such a State does not have to submit its technology plan to the Department for approval, it must make that plan available to the Department, upon request, as part of the Department's monitoring, reporting, or evaluation activities.

States do not have to develop new State technology plans for the Ed Tech program, but may use their current technology plans, modified as necessary to comply with the requirements of the Ed Tech legislation.

## D. State Uses Of Funds

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### D-1. How does a State use its Ed Tech allocation?

A State uses its Ed Tech allocation for the following purposes:

- **State activities** -- A State may use up to 5 percent of its allotment to carry out State-level activities and to assist local efforts to carry out the purposes of the program. (See D-2.)
- **Formula grants** -- A State must distribute 50 percent of the remainder *on a formula basis* to eligible LEAs that have submitted applications to the State. (See Section E below.)
- **Competitive grants** -- A State must distribute 50 percent of the remainder *on a competitive basis* to eligible local entities that have submitted applications to the State. (See Section F below.)

### D-2. How may a State use the funds that it retains?

A State may use the Ed Tech that it retains (i.e., up to 5 percent of the State's allocation) for any activities to meet the purposes of the Ed Tech program and to assist local efforts to meet these purposes. The activities supported with Ed Tech funds should be designed to enhance student academic achievement.

These activities may include, among others, the following:

- Supporting innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, and providing other technical assistance to grant applicants and recipients, with priority given to high-need LEAs.
- Supporting public-private initiatives for acquiring technology for high-need LEAs and students served by these LEAs.

- Supporting professional and curriculum development that includes the integration of advanced technologies.
- Assisting grant recipients in providing all students (including students with disabilities and students with limited English proficiency) and teachers with access to educational technology.
- Developing performance measurement systems to evaluate the effectiveness of programs supported with Ed Tech funds.
- Collaborating with other SEAs on distance learning.

**D-3. May a State use the funds that it retains for administrative costs?**

Yes. From the funds retained for State activities (i.e., up to 5 percent of the State's allocation), an SEA may support reasonable and necessary costs associated with administering the Ed Tech program. A State may use no more than 60 percent of its retained funds for administrative costs.

**D-4. May a State consolidate its administrative funds under the Ed Tech program with administrative funds under other programs?**

Yes. Consistent with the requirements in section 9201 of the ESEA, a State may consolidate funds made available for State administration under any ESEA program, as well as other programs that the Secretary may designate. An SEA may use consolidated State administrative funds to administer the programs included in the consolidation, and for administrative activities designed to enhance the effective and coordinated use of funds under those programs. In addition, an SEA may use the funds to develop the standards and assessments required under Part A of Title I. (For information on flexibility that is available to States with respect to State-level non-administrative funds, see the transferability discussion in M-1.)

## **E. Ed Tech Formula Grants to LEAs**

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**E-1. How much of a State's Ed Tech allotment must be used for formula grants?**

As noted in D-1 above, a State may retain no more than 5 percent of its Ed Tech allotment for State activities and must subgrant 50 percent of the remainder by formula to eligible local educational agencies.

**E-2. On what basis does a State distribute Ed Tech formula grant funds?**

A State distributes Ed Tech formula grant funds to eligible LEAs on the basis of each LEA's proportionate share of funds under Part A of Title I for that year.

**E-3. To which LEAs may a State award Ed Tech formula grant funds?**

A State may award Ed Tech formula grant funds only to LEAs that receive funds under Part A of Title I or to other LEAs that apply as part of a consortium with LEAs that receive funds under Part A of Title I. (See E-5 through 7.)

**E-4. Is there a minimum award amount for eligible entities seeking Ed Tech formula funds?**

No. However, LEAs that receive Ed Tech formula grant awards that are of insufficient size to be effective and that meet the eligibility requirements under the Ed Tech competitive grant program must be given priority in the Ed Tech competitions. Furthermore, where authorized, LEAs that receive small Ed Tech formula grant awards may take advantage of other flexibility provisions in the ESEA in order to address local needs more effectively (e.g., transferability, alternative uses of funds under the Rural Education Achievement Program (REAP)). (See Section M.)

**E-5. May an eligible LEA (i.e., an LEA that receives funds under Part A of Title I) apply for Ed Tech formula grant funds as part of a consortium with other entities?**

Yes. An eligible LEA may apply for Ed Tech formula grant funds as part of a consortium that includes other LEAs, institutions of higher education, educational service agencies, libraries, or other educational entities.

**E-6. If an eligible LEA applies for formula grant funds as part of a consortium, which entity serves as the fiscal agent?**

Only an LEA may serve as the fiscal agent for Ed Tech funds.

**E-7. May an educational service agency that does not receive funds under Part A of Title I be awarded Ed Tech formula grant funds?**

Yes. An educational service agency that does not receive funds under Part A of Title I may nonetheless receive Ed Tech formula grant funds if it applies for funding in consortium with an LEA that receives funds under Part A of Title I. In such instances, the LEA that receives Title I funds may agree to permit the educational service agency to act as the fiscal agent for the Ed Tech funds.

**E-8. Is a State required to assist LEAs in applying for Ed Tech formula grant funds?**

Yes. An SEA must identify the LEAs that have the highest number or percentage of children from families with incomes below the poverty line and the greatest need for technical assistance in developing local applications, and provide technical assistance to these LEAs. The same requirement applies with respect to Ed Tech competitive funds. (See F-9.)

**E-9. Does an LEA have to re-apply annually for Ed Tech formula grant funds?**

An LEA needs to submit a complete application, including a local technology plan, only when it first seeks Ed Tech formula grant funds. (However, if an LEA seeks Ed Tech funds as part of a consolidated local application, other requirements apply. See G-2.) An LEA must inform its SEA whenever it makes significant modifications to that plan. The SEA may require LEAs annually to submit performance reports, updated budgets, and other reasonable data before awarding funds in subsequent years.

**E-10. May an eligible LEA apply simultaneously for both Ed Tech formula and competitive funds?**

Yes. Eligible applicants may seek both formula and competitive grants as part of a single application. Consistent with the statutory requirements, each SEA will establish its own procedures for combined applications.

**E-11. May an SEA restrict a recipient's use of Ed Tech formula grant funds to certain types of activities or expenses?**

A recipient of Ed Tech funds generally must spend at least 25 percent of its award on ongoing, sustained, and intensive high-quality professional development (see H-1) and has considerable flexibility concerning the additional activities that it may support with Ed Tech funds (see H-2). An SEA may impose additional restrictions on a recipient's use of Ed Tech formula grants funds only to the extent that those restrictions are consistent with the legislation. For example, an SEA could require that any equipment purchased with Ed Tech funds meet minimum standards. On the other hand, while an SEA could *encourage* recipients to spend the majority of their Ed Tech funds on professional development, it could not require that they spend more than the statutory 25 percent minimum on professional development.

## F. Ed Tech Competitive Grants to Eligible Local Entities

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### F-1. How much of a State's Ed Tech allotment must be used for competitive grants?

As noted in D-1 above, a State may retain no more than 5 percent of its Ed Tech allotment for State activities and must subgrant 50 percent of the remainder to “eligible local entities” on a competitive basis.

### F-2. What criteria govern the distribution of Ed Tech competitive grant funds?

Consistent with the purposes of the program, an SEA has considerable flexibility in developing selection criteria and priorities for awarding Ed Tech competitive grants to eligible local entities. Whether the award is made to a “high-need local educational agency” or an “eligible local partnership” (see F-5 and F-6), the focus of the grant must be on addressing the needs of the high-need LEA.

The legislation requires SEAs to meet the following specific requirements in making these awards:

- **Priority to LEAs that receive insufficient amounts of Ed Tech formula grant funds** – In awarding Ed Tech competitive grants, an SEA must identify the LEAs that are eligible local entities and that receive Ed Tech formula grant allocations that are of insufficient size to be effective, and give priority to applications submitted by these LEAs.
- **Minimum grant amounts** – An SEA must award Ed Tech competitive grants that are of sufficient size and duration to carry out the purposes of the Ed Tech legislation effectively.
- **Program scope and quality** – An SEA must ensure that any program supported with Ed Tech competitive grant funds is of sufficient scope and quality to carry out the purposes of the Ed Tech legislation effectively.
- **Fiscal agent** – If an eligible local partnership receives an Ed Tech competitive award, an LEA must serve as the fiscal agent for the partnership.
- **Equitable distribution among urban and rural areas** – An SEA must ensure an equitable distribution of Ed Tech competitive grant funds among urban and rural areas, according to the demonstrated need of those LEAs serving the areas.

**F-3. May an SEA establish priorities for awarding Ed Tech competitive funds that give eligible applicants additional points for submitting proposals that address particular authorized activities?**

Yes. Consistent with the legislation and the State’s technology plan, in awarding Ed Tech competitive grant funds, an SEA may give eligible applicants a competitive preference for submitting proposals that address particular activities or initiatives authorized in the legislation.

**F-4. What is an “eligible local entity” for purposes of an Ed Tech competition?**

An eligible local entity is either a “high-need local educational agency” *or* an “eligible local partnership”. (See F-5 and F-6.) Only eligible local entities may receive Ed Tech competitive grant funds.

**F-5. What is a “high-need local educational agency”?**

A “high-need local educational agency” is an LEA that –

- (1) Is among those LEAs in the State with the highest numbers or percentages of children from families with incomes below the poverty line; *and*
- (2) Serves one or more schools identified for improvement or corrective action under section 1116 of the ESEA, or has a substantial need for assistance in acquiring and using technology.

For purposes of this program, the term “poverty line” means the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of the size involved (ESEA Section 9101(33)). (See the U.S. Census website at <http://www.census.gov/hhes/www/saife/>.)

**F-6. What is an “eligible local partnership”?**

An “eligible local partnership” is a partnership that includes at least one high-need LEA *and* at least one of the following –

- (1) An LEA that can demonstrate that teachers in its schools are effectively integrating technology and proven teaching practices into instruction, based on a review of relevant research, and that the integration results in improvement in classroom instruction and in helping students meet challenging academic standards.

- (2) An institution of higher education that is in full compliance with the reporting requirements of section 207(f) of the Higher Education Act of 1965, as amended, and that has not been identified by the State as low-performing under that act.
- (3) A for-profit business or organization that develops, designs, manufactures, or produces technology products or services or has substantial expertise in the application of technology in instruction.
- (4) A public or private nonprofit organization with demonstrated expertise in the application of educational technology in instruction.

The partnership may also include other LEAs, educational service agencies, libraries, or other educational entities appropriate to provide local programs.

**F-7. If an eligible local partnership receives an Ed Tech competitive grant award, which entity serves as the fiscal agent?**

Only an LEA may serve as the fiscal agent for the award.

**F-8. May a high-need LEA submit a combined application for Ed Tech formula and competitive grant funds?**

Yes. (See E-10.)

**F-9. Is the State required to assist LEAs in applying for Ed Tech competitive grant funds?**

Yes. An SEA must identify the LEAs that have the highest number or percentage of children from families with incomes below the poverty line and the greatest need for technical assistance in developing local applications. The SEA must provide technical assistance to these LEAs. (As noted in E-8, the same requirement applies to the formula grant funds.)

## G. Local Application Requirements

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### **G-1. To receive Ed Tech funds, does an LEA or eligible local entity need an educational technology plan?**

Yes. Before receiving Ed Tech funds, an eligible applicant must have a new or updated long-range strategic educational technology plan that is consistent with the objectives of the statewide technology plan and that addresses the statutory local plan requirements. (See G-2.) The applicant does not have to develop a new technology plan for the Ed Tech program, but may use its current technology plan, modified as necessary to comply with the requirements of the Ed Tech legislation. As appropriate, an LEA may seek a waiver of this requirement in order to receive funds to develop the plan. (See G-3.)

### **G-2. What information must be included in a local application for Ed Tech funds?**

An individual local technology application (i.e., an Ed Tech program application that is not part of the consolidated local application described below) must include the following:

- **Strategies for improving academic achievement and teacher effectiveness** – a description of how the applicant will use Ed Tech funds to improve the academic achievement, including technology literacy, of all students attending schools served by the LEA and to improve the capacity of all teachers in schools served by the LEA to integrate technology effectively into curriculum and instruction.
- **Goals** – a description of the applicant’s specific goals, aligned with challenging State standards, for using advanced technology to improve student academic achievement.
- **Steps to increase accessibility** – a description of the steps the applicant will take to ensure that all students and teachers have increased access to technology. The description must include how the applicant will use Ed Tech funds to help students in high-poverty and high-needs schools, or schools identified for improvement or corrective action under section 1116 of Title I, and to help ensure that teachers are prepared to integrate technology effectively into curricula and instruction.
- **Promotion of curricula and teaching strategies that integrate technology** -- a description of how the applicant will identify and promote curricula and teaching strategies that integrate technology effectively into curricula and instruction, based on a review of relevant research and leading to improvements in student academic achievement.
- **Professional development** – a description of how the applicant will provide ongoing, sustained professional development for teachers, principals, administrators,



and school library media personnel to further the effective use of technology in the classroom or library media center.

- **Technology type and costs** – a description of the type and costs of technology to be acquired with Ed Tech funds, including provisions for interoperability of components.
- **Coordination with other resources** – a description of how the applicant will coordinate activities funded through the Ed Tech program with technology-related activities supported with funds from other sources.
- **Integration of technology with curricula and instruction** – a description of how the applicant will integrate technology (including software and electronically delivered learning materials) into curricula and instruction, and a timeline for this integration.
- **Innovative delivery strategies** – a description of how the applicant will encourage the development and use of innovative strategies for the delivery of specialized or rigorous courses and curricula through the use of technology, including distance learning technologies, particularly in areas that would not otherwise have access to such courses or curricula due to geographical distances or insufficient resources.
- **Parental involvement** – a description of how the applicant will use technology effectively to promote parental involvement and increase communication with parents, including a description of how parents will be informed of the technology used.
- **Collaboration with adult literacy service providers** – a description of how the program will be developed, where applicable, in collaboration with adult literacy service providers.
- **Accountability measures** – a description of the process and accountability measures that the applicant will use to evaluate the extent to which activities funded under the program are effective in integrating technology into curricula and instruction, increasing the ability of teachers to teach, and enabling students to reach challenging State academic standards.
- **Supporting resources** – a description of the supporting resources, such as services, software, other electronically delivered learning materials, and print resources, that will be acquired to ensure successful and effective uses of technology.

An LEA that seeks Ed Tech funds as part of a consolidated local application needs to include “descriptions, information, assurances, and other material that are absolutely necessary for the consideration of the local educational agency plan or application.” (ESEA Section 9305(d)) Once the Department makes the consolidated State application available, States

may develop consolidated local application guidelines that are consistent with the consolidated State application requirements.

Applying for funds through a consolidated local application does *not* relieve an LEA of its obligation to have a local technology plan that meets all of the statutory requirements.

**G-3. May an LEA that does not have a local technology plan seek a waiver of the local application requirements in order to receive funds to develop the plan?**

Yes. There may be instances in which LEAs have a very great need for technology but lack the resources to develop a technology plan. These LEAs may seek a waiver of the local application requirements in order to receive Ed Tech funds for planning purposes. In “Ed-Flex States”, an LEA would seek the waiver from its SEA; in other States, an LEA would seek the waiver from the Secretary of Education, or an SEA could seek the waiver from the Secretary on behalf of its LEAs. In requesting a waiver, the LEA would describe how the waiver would assist the LEA and affected schools and students in reaching specific, measurable educational goals. (See H-3.) (More detailed information on Ed-Flex waivers and the Secretary’s waiver authority is available on the Department’s website at <http://www.ed.gov/nclb/freedom/local/flexibility/index.html>.)

## **H. Local Uses of Funds**

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**H-1. Must an Ed Tech grant recipient use a portion of its funds to support specific types of activities?**

Yes. Each Ed Tech recipient must use at least 25 percent of its funds to provide ongoing, sustained, and intensive, high-quality professional development. (This requirement applies to both formula and competitive grant funds.) The recipient must provide professional development in the integration of advanced technologies, including emerging technologies, into curricula and instruction and in using those technologies to create new learning environments. However, the professional development requirement does not apply if the Ed Tech recipient demonstrates, to the satisfaction of its SEA, that it already provides, to all teachers in core academic subjects, such professional development, which is based on a review of relevant research. The remaining funds are to be used to carry out other activities consistent with the purposes of the program and the district’s local technology plan.

**H-2. What other activities might a grant recipient support with Ed Tech funds?**

In implementing its local technology plan, a recipient of Ed Tech funds may support activities such as –

- Increasing accessibility to technology, particularly through public-private partnerships, with special emphasis on accessibility for high-need schools.
- Adapting or expanding applications of technology to enable teachers to increase student academic achievement, including technology literacy, through teaching practices that are based on the review of relevant research and through use of innovative distance learning strategies.
- Implementing proven and effective courses and curricula that include integrated technology and that are designed to help students reach challenging academic standards.
- Using technology to promote parental involvement and foster communication among students, parents, and teachers about curricula, assignments, and assessments.
- Preparing one or more teachers in schools as technology leaders who will assist other teachers, and providing bonus payments to the technology leaders.
- Enhancing existing technology and acquiring new technology to support education reforms and to improve student achievement.
- Acquiring connectivity linkages, resources, and services for use by students and school personnel to improve academic achievement.
- Using technology to collect, manage, and analyze data to inform and enhance teaching and school improvement efforts.
- Implementing enhanced performance measurement systems to determine the effectiveness of education technology programs funded with Ed Tech funds.
- Developing, enhancing, or implementing information technology courses.

**H-3. May an LEA that does not yet have the required local technology plan be awarded Ed Tech funds in order to develop a plan?**

An LEA may be awarded Ed Tech funds to develop a local technology plan only if it receives a waiver to do so. Assuming that the applicable waiver criteria are met, the waiver may be granted by an SEA to an LEA in an Ed-Flex State, or by the Secretary to an LEA in a non-Ed-Flex State. (See G-3.)

**H-4. How long does an LEA have to obligate Ed Tech funds?**

The Ed Tech program is a State-administered program and is therefore governed by the fund availability provisions in the “Tydings Amendment.” These provisions require that funds be obligated by the end of the Federal fiscal year succeeding the Federal fiscal year for which the funds were appropriated. Thus, FY 2002 Ed Tech funds must be obligated no later than September 30, 2004.

## I. Ed Tech Accountability

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### **I-1. How will SEAs be held accountable under the Ed Tech program?**

An SEA's State technology plan must include long-term strategies for improving student academic achievement, including technology literacy, through the effective use of technology in classrooms. These strategies must include improving the capacity of teachers to integrate technology effectively into curricula and instruction. Each SEA must develop goals for using advanced technology to improve student academic achievement, and those goals must be aligned with State standards.

To help ensure accountability for Ed Tech funds, SEAs must develop a process and accountability measures that the State will use to evaluate the extent to which activities funded under the program are effective in integrating technology into curricula and instruction. These accountability measures should evaluate the impact that Ed Tech activities have had on student achievement. The legislation expressly authorizes States to use funds that are set aside for State-level activities to develop performance measurement systems to determine the effectiveness of educational technology programs supported with Ed Tech funds. (See ESEA Section 2415(5).) As part of its monitoring and evaluation of the program, the Department intends to examine the progress that SEAs have made in integrating technology into curricula and instruction and in meeting their goals for using technology to improve student academic achievement.

### **I-2. How will LEAs and eligible local entities be held accountable under the Ed Tech Program?**

LEAs and eligible local entities must have long-range technology plans that are consistent with the objectives of their SEA's State plan. Like SEAs, they must develop strategies for improving student academic achievement through the effective use of technology in classrooms, including improving the capacity of teachers to integrate technology into curricula and instruction. Furthermore, they must set specific goals, aligned with State standards, for using advanced technology to improve student academic achievement.

To help ensure accountability for Ed Tech funds, LEAs and eligible local entities must also develop a process and accountability measures that they will use to evaluate the extent to which activities funded under the program are effective in (1) integrating technology into curricula and instruction; (2) increasing the ability of teachers to teach; and (3) enabling students to meet challenging State standards.

Because the Ed Tech program is a State-administered program, the SEA is responsible for ensuring that LEAs and eligible local entities comply with Ed Tech statutory requirements. In addition, as part of its evaluation of the program, the Department will examine the extent to which LEAs and eligible local entities have effectively used funds to meet the goals of the program.

## **J. State Application Approval Process**

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### **J-1. How will the Department review State Ed Tech applications?**

The Department intends to review Ed Tech applications through a peer-review process that involves experts in the application of technology to school reform efforts. The Department will review Ed Tech applications that are submitted as part of a consolidated State application through the consolidated State application review process.

### **J-2. What is the timeframe for review and approval of an application?**

For individual Ed Tech applications, within 120 days of receipt of an Ed Tech application from a State, the Secretary will either approve the application or make a written determination that the application is not in compliance with statutory requirements. The Secretary will not make a final decision to disapprove an application before granting a State notice and an opportunity for a hearing. If the Secretary fails to respond to an application within 120 days of its receipt, the application will be deemed approved. The Department is currently developing procedures for the review and approval of consolidated State applications.

## **K. Internet Safety**

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### **K-1. How do the requirements of the Children's Internet Protection Act (CIPA) affect LEAs that receive Ed Tech funds?**

Subpart 4 of the Ed Tech legislation incorporates into the ESEA the requirements of the Children's Internet Protection Act (CIPA). These provisions require LEAs to certify, under certain circumstances, that schools have adopted and are enforcing Internet safety policies. As a condition of participating in the Ed Tech program, LEAs must submit a CIPA certification form to their SEA. The CIPA requirements in the ESEA apply with respect to elementary or secondary schools that do *not* receive e-rate discounts and for which Ed Tech funds are used to purchase computers used to access the Internet, or to pay the direct costs associated with accessing the Internet. The CIPA requirements in the ESEA do not apply to schools that receive e-rate discounts. (These schools are governed by other CIPA provisions and must submit their CIPA certifications to the Federal Communications Commission.)

## **K-2. What kind of CIPA certification must an LEA file with its SEA?**

An LEA seeking Ed Tech funds must certify to its SEA that *one* of the following conditions exists –

- Every “applicable school” has complied with the CIPA requirements in subpart 4 of Part D of Title II of the ESEA. (An “applicable school” is an elementary or secondary school that does *not* receive e-rate discounts and for which Ed Tech funds are used to purchase computers used to access the Internet, or to pay the direct costs associated with accessing the Internet.)
- Not all “applicable schools” have yet complied with the requirements in subpart 4 of Part D of Title II of the ESEA. However, the LEA has received a one-year waiver from the U.S. Secretary of Education under section 2441(b)(2)(C) of the ESEA for those applicable schools not yet in compliance.
- The CIPA requirements in the ESEA do not apply because no funds made available under the program are being used to purchase computers to access the Internet, or to pay for direct costs associated with accessing the Internet, for elementary and secondary schools that do not receive e-rate services under the Communications Act of 1934, as amended.

## **L. Equitable Participation of Private School Students and Personnel**

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### **L-1. Do the equitable participation requirements in Subpart 1 of Part E of Title IX of the ESEA apply to the Ed Tech program?**

Yes. The equitable participation requirements apply to the program. (See ESEA Section 9501(b)(1).)

### **L-2. What do the equitable participation provisions require LEAs and eligible local entities to do?**

LEAs and eligible local entities must engage in timely and meaningful consultation with appropriate private school officials during the design and development of programs and continue the consultation throughout the implementation of these programs. Therefore, for both Ed Tech formula and competitive awards, the consultation should begin during the development of the local grant proposals. Eligible LEAs that seek both competitive and formula funding under Ed Tech may engage in consultations that simultaneously involve the Ed Tech competitive and formula grants.

LEAs and local entities must provide, on an equitable basis, special educational services or other benefits that address the needs under the program of children, teachers, and other educational personnel in private schools in areas served by the LEAs and local entities. Expenditures for educational services and other benefits for private school children, teachers, and other educational personnel must be equal, taking into account the number and educational needs of the children to be served, to the expenditures for participating public school children.

## M. Impact of Various Flexibility Provisions on the Ed Tech Program

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### M-1. How do the principal flexibility provisions affect the Ed Tech program?

In general, the principal flexibility provisions, which are described in greater detail on the Department's website at <http://www.ed.gov/offices/OESE/esea/index.html>, affect the Ed Tech program as follows:

- **State-Flex (ESEA Sections 6141 through 6144)**

An SEA with State-Flex authority may consolidate Ed Tech funds that are available for State-level activities and State administration with certain other State-level funds, and use those funds for any ESEA purpose in order to make adequate yearly progress and advance the educational priorities of the State and the LEAs with which the State enters into performance agreements.

Similarly, an LEA that enters into a performance agreement with its SEA in a State-Flex State may consolidate Ed Tech *formula grant funds* (not Ed Tech competitive grant funds) with certain other Federal funds, and use those funds for any ESEA purpose consistent with the SEA's State-Flex plan in order to meet the State's definition of adequate yearly progress, improve student academic achievement, and narrow achievement gaps.

- **Local-Flex (ESEA Sections 6151 through 6156)**

An LEA that enters into a Local-Flex agreement with the Secretary may consolidate Ed Tech *formula grant funds* with certain other Federal funds and, consistent with the purposes of the Local-Flex program, use those funds for any ESEA purpose in order to meet the State's definition of adequate yearly progress, improve student academic achievement, and narrow achievement gaps.

- **Transferability (ESEA Sections 6121 through 6123)**

Under this flexibility authority, an SEA may transfer up to 50 percent of the non-administrative funds that it receives under certain Federal programs to other specified programs that address more effectively its unique needs or to its allocation under Part A of Title I. This authority allows a portion of an SEA's State-level non-administrative funds to be transferred into or out of the Ed Tech program.

Likewise, an LEA (except an LEA identified for improvement or subject to corrective action under section 1116(c)(9)) may transfer up to 50 percent of the funds allocated to it *by formula* under certain other programs to its Ed Tech allocation (or to other specified allocations) or to its allocation under Part A of Title I. An LEA may also transfer up to 50 percent of its Ed Tech *formula grant funds* to certain other programs. (There are special transferability rules governing LEAs identified for improvement or corrective action.)

- **Rural Education Initiatives (ESEA Sections 6201 through 6234)**

Under the Title VI Alternative Uses of Funds Authority, an eligible LEA may combine its Ed Tech *formula grant funds* with certain other Federal funds and use the applicable funding to carry out local activities under one or more specified Federal programs. The Ed Tech program is one of the programs for which an LEA may spend all or part of its "applicable funding" as defined in section 6211(c) of the ESEA.

An eligible LEA may use funds under the Small, Rural School Achievement Program to carry out activities under a number of Federal programs, including Ed Tech.

Similarly, an LEA that receives funds under the Rural and Low-Income School Program may use those funds for activities authorized under the Ed Tech program and for other purposes.

- **Ed-Flex (as revised by ESEA Section 1073)**

Consistent with the provisions of the Ed-Flex legislation, an Ed-Flex State may waive requirements of the Ed Tech program that, in particular circumstances, may impede the ability of LEAs or schools to carry out educational reforms and raise the achievement levels of all students. There are certain requirements that an Ed-Flex State may not waive. For example, an Ed-Flex State may not grant any waiver that would undermine the underlying purposes of the Ed Tech program. (See A-1 and A-2.)

- **ESEA Secretarial Waivers (ESEA Section 9401)**

Consistent with the authority in section 9401, the Secretary may waive requirements of the Ed Tech program for SEAs and for LEAs and schools in States that do not have



Ed-Flex authority. Similar to the statutory restrictions on an Ed-Flex State's authority to grant waivers, there are also restrictions on the Secretary's waiver authority.

- **Consolidation of State and local administrative funds (ESEA Sections 9201 and 9203)**

An SEA may consolidate funds made available to it for State administration under the Ed Tech program and other ESEA programs, as well as other programs that the Secretary may designate, if the SEA can demonstrate that the majority of its resources are derived from non-Federal sources. The consolidated administrative funds may be used to administer the programs included in the consolidation and for administrative activities designed to enhance the effective and coordinated use of funds under those programs.

Similarly, with approval of its SEA, an LEA may consolidate Ed Tech funds available for administration, as well as other local administrative funds, to administer the programs included in the consolidation and for uses, at the district and school levels, designed to enhance the effective and coordinated use of funds under those programs.

- **Consolidated applications (ESEA Sections through 9306)**

An SEA may seek Ed Tech funding as part of its consolidated State application. Similarly, an LEA may seek Ed Tech funding as part of its consolidated local application.

- **Schoolwide programs (ESEA Section 1114)**

Consistent with the requirements of section 1114 of Title I, an LEA may consolidate and use funds under Part A of Title I and other programs that the Secretary may designate to implement a schoolwide program in a school in which at least 40 percent of the children are from low-income families.